
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

SHELLY SHOBERT,

Plaintiff,

v.

SAM'S WEST, INC.,

Defendant.

Case No.: CIV-22-46-J

NOTICE OF REMOVAL

**TO: THE JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

Defendant, Sam's East Inc., an Arkansas Corporation incorrectly named herein as Sam's West, Inc. ("Sams") pursuant to Title 28 U.S.C. §§ 1332, 1441(a) and 1446 and LCvR 81.2, files this Notice of Removal of the civil action filed against them in the District Court of Oklahoma County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma. In support of removal, Defendants state as follows:

1. Plaintiff, Shelly Shobert, filed her Petition in Oklahoma County District Court on December 8, 2021. (See copy of the Oklahoma County District Court Docket, attached as Exhibit "1").
2. Plaintiff, Shelly Shobert, has pled damages in excess of the amount required for diversity jurisdiction pursuant to Title 28 U.S.C. §1332. (See Plaintiff's Petition,

attached as Exhibit “2”).

3. It is Defendant’s belief that Plaintiff is a resident and citizen of the State of Oklahoma.
4. It is Defendant’s belief that Plaintiff incorrectly named the Defendant as Sam’s West, Inc., when the actual legal entity involved is Sam’s East, Inc. Defendant Sam’s East, Inc., an Arkansas corporation, is a wholly-owned subsidiary of Walmart Inc., a Delaware corporation with its principal place of business in Bentonville, Arkansas. Further, the principal place of business of Sam’s East, Inc. is Bentonville, Arkansas. Consequently, Defendant Sam’s is a citizen of the State of Arkansas.
5. Because this is a civil action between citizens of different states and the amount in controversy is in excess of seventy-five thousand dollars (\$75,000), this Court has original subject matter jurisdiction over the civil action pursuant to Title 28 U.S.C. §1332(a)(1). Removal of the action to this Court by Defendant Sam’s is made pursuant to the provisions of Title 28 U.S.C. §1441.
6. In accordance with the provisions of Title 28 U.S.C. §1391(a), venue is proper in the United States District Court for the Western District of Oklahoma because the alleged incident occurred in Oklahoma County, State of Oklahoma, which is in the Western District of Oklahoma.
7. By virtue of this Notice of Removal, Defendant does not waive its right to assert any jurisdictional claims or pursue other motions or defenses, including those

available under Rule 12 of the Federal Rules of Civil Procedure.

8. In accordance with the provisions of Title 28 U.S.C. §1446(a) and the local rules of the United States District Court for the Western District of Oklahoma, legible copies of all documents filed in the state court action are being filed contemporaneously with this Notice of Removal and submitted by way of the following exhibits:

CJ-2021-5270 (Oklahoma County District Court)

Exhibit 1: Copy of the Oklahoma County District Court Docket

Exhibit 2: Petition

Exhibit 3: Summons

In accordance with the provisions of Title 28 U.S.C. §1446(d), Defendant is serving a copy of this Notice of Removal upon Plaintiff and are filing a Notice of Removal with the Clerk of the District Court of Oklahoma County, State of Oklahoma, where this case was originally filed. Copies of this Notice are being served upon Plaintiff and filed with the Oklahoma County Court Clerk contemporaneous with this document.

WHEREFORE, Defendant Sam's prays that the Court take jurisdiction in this action to the exclusion of any further proceedings in the District Court of Oklahoma County, State of Oklahoma.

/s/Michael W. Brewer

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of January 2022, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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/s/Michael W. Brewer

MICHAEL W. BREWER